HAROLD J. McELHINNY (CA SBN 66781)
RACHEL KREVANS (CA SBN 116421)
MATTHEW I. KREEGER (CA SBN 153793)
JASON A. CROTTY (CA SBN 196036)
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: 415.268.7000
Facsimile: 415.268.7522

Attorneys for Defendants
ECHOSTAR SATELLITE LLC AND
ECHOSTAR TECHNOLOGIES CORPORATION

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re

ACACIA MEDIA TECHNOLOGIES CORPORATION

Case No. 05-CV-1114 JW

ECHOSTAR'S PROPOSED TERMS FOR RECONSIDERATION AND PRELIMINARY CONTENTIONS

Hon. James Ware

Dockets.Justia.com

In accordance with the Court's orders dated June 21, 2005 and June 27, 2005, defendants EchoStar Satellite LLC and EchoStar Technologies Corporation (collectively "EchoStar") hereby submit their Proposed Terms for Reconsideration and Preliminary Constructions.

EchoStar proposes that the Court reconsider its construction of the term "transceiver" and construe it to mean "a singular device that interfaces with a single communication medium and that is capable of sending and receiving data over that communication medium." The reasons and supporting evidence for this proposed construction are set forth in detail in the Memorandum of Points and Authorities in Support of Defendant DIRECTV Group, Inc.'s Motion for Reconsideration of the Court's Construction of the Term "Transceiver" and the Declaration of Andrew Lippman in Support of Defendant DIRECTV Group, Inc.'s Motion for Reconsideration of the Court's Construction of the Term "Transceiver," both filed on July 29, 2005. EchoStar joins in and incorporates these documents by reference.

Dated: July 29, 2005

HAROLD J. McELHINNY
RACHEL KREVANS
MATTHEW I. KREEGER
JASON A. CROTTY
MORRISON & FOERSTER LLP

By: /s/ Jason A. Crotty
Jason A. Crotty

Attorneys for Defendants
ECHOSTAR SATELLITE LLC AND
ECHOSTAR TECHNOLOGIES
CORPORATION